

FINAL ORDER

Date: 12/8/08

IN THE MATTER OF

*

BEFORE THE

GERALD JOHNSON T/A
SOCIETY FUNDING
GROUP, LLC

*

COMMISSIONER OF
FINANCIAL REGULATION

*

OAH NO.: DLR-CFR-76B-08-25581

*

Applicant

* * * * *

PROPOSED ORDER

The Proposed Default Order of the Administrative Law Judge in the captioned case having been considered in its entirety, it is **ORDERED** by the Commissioner of Financial Regulation (the "Commissioner") this 12th day of November, 2008 that it is adopted as a Proposed Order.

The Commissioner, accepting the Administrative Law Judge's findings of fact that the Applicant (i) requested a hearing, (ii) received proper notice of the hearing, and (iii) failed to appear at the hearing, hereby modifies the Administrative Law Judge's Proposed Default Order to clarify that the Commissioner's denial of the renewal application for a mortgage lender license is upheld.

Pursuant to COMAR 09.01.03.09, Respondent has the right to file exceptions to the Proposed Order and present arguments to the Commissioner. Respondent has twenty (20) days from the postmark date of this Proposed Order to file exceptions with the Commissioner. COMAR 09.01.03.09A(1). The date of filing exceptions with the Commissioner is the date of personal delivery to the Commissioner or the postmark date on mailed exceptions. COMAR 09.01.03.09A(2).

Unless written exceptions are filed within the twenty (20)-day deadline noted above, this Order shall be deemed to be the final decision of the Commissioner.



Sarah Bloom Raskin
Commissioner of Financial Regulation

GERALD JOHNSON, t/a SOCIETY
FUNDING GROUP, LLC,

APPLICANT

v.

COMMISSIONER OF FINANCIAL
REGULATION

* BEFORE UNA M. PEREZ,
* AN ADMINISTRATIVE LAW JUDGE
* OF THE MARYLAND OFFICE OF
* ADMINISTRATIVE HEARINGS
* OAH CASE No: DLR-CFR-76B-08-25581
*

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PROPOSED DEFAULT ORDER

On March 27, 2008, the Maryland Commissioner of Financial Regulation (Commissioner), Department of Labor, Licensing and Regulation, denied the Applicant's renewal application for a Maryland Mortgage Lender's License. The basis for the denial was the Applicant's failure to submit a renewal application fee of \$1,000.00 and an original surety bond. On or about May 14, 2008, the Applicant filed an appeal, after which the Commissioner referred the matter to the Office of Administrative Hearings (OAH) for a hearing.¹

By letter dated July 11, 2008, the OAH mailed a Notice of Hearing to the Applicant via certified and regular first class mail at his last address of record. The Notice of Hearing stated that a hearing was scheduled for Wednesday, September 17, 2008, at 9:30 a.m., at the OAH, 11101 Gilroy Road, Hunt Valley, Maryland. The Notice further advised the Applicant that failure to attend the hearing might result in "a decision against you."

On or about August 4, 2008, the U. S. Postal Service returned the certified letter to the OAH as "Unclaimed." The U. S. Postal Service did not, however, return the regular first

¹ The Commissioner delegated to the OAH the authority to issue proposed findings of fact and conclusions of law, and a proposed order.

class mail letter to the OAH as undeliverable. The OAH did not receive a request for postponement from the Applicant prior to the date of the hearing.

On September 17, 2008, I convened the hearing as scheduled. Md. Code Ann., Fin. Inst. §§ 11-518 (2003) and 11-608 (Supp. 2007). Neither the Applicant nor anyone authorized to represent him appeared. Matthew A. Lawrence, Assistant Attorney General, Department of Labor, Licensing, and Regulation, was present to represent the Commissioner. After waiting approximately fifteen minutes, during which time the Applicant still failed to appear, the Commissioner made a motion to dismiss the Applicant's appeal.

I admitted two exhibits on behalf of the Commissioner:

Comm'r. Ex. #1 Applicant's original letter requesting hearing, with envelope, received May 14, 2008

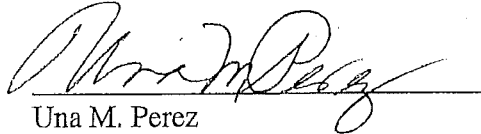
Comm'r. Ex. #2 File copy of Hearing Notice, July 11, 2008

The Applicant bears the burden of proving, by a preponderance of the evidence, his entitlement to the license. COMAR 09.01.02.16B. Because the Applicant failed to appear after proper notice, I **RECOMMEND** that the Maryland Commissioner of Financial Regulation issue a Default Order noting the following:

1. Applicant Gerald Johnson, t/a Society Funding Group, LLC, is found in default; and
2. All further proceedings in the captioned matter are **TERMINATED**, and a disposition of **DISMISSAL** is entered in this case, pursuant to COMAR 28.02.01.20A; and

3. In accordance with COMAR 09.01.03.09A and 28.02.01.20C, Applicant Gerald Johnson or his representative may file with the Commissioner written exceptions within twenty days from the postmark date of the Default Order. Any such exceptions must state the grounds for the request to modify or vacate the Default Order.

September 19, 2008
Date Decision Mailed


Una M. Perez
Administrative Law Judge

UMP/ch
#99890

Decision Mailed To:

Gerald Johnson
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